

FILED  
ASHEVILLE, N. C.

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL NO. 1:05CV90

JAN - 5 2006

U.S. DISTRICT COURT  
W. DIST. OF N. C.

Budget Pest Prevention, Inc., individually )  
and on behalf of persons similarly situated, )  
vs. )  
Plaintiff )  
Bayer Corporation, Bayer Cropscience, L.P., )  
and BASF Corporation )  
Defendants. )

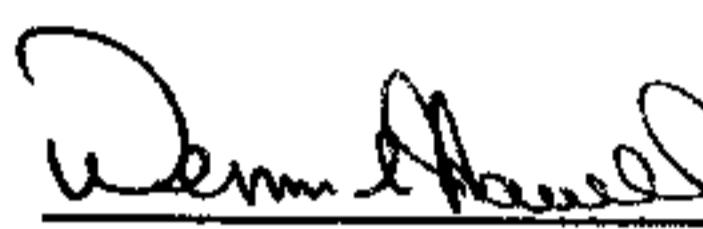
**CONSENT ORDER  
REGARDING EXPERT  
DISCOVERY**

Pursuant to a Consent Motion filed and granted it is hereby ORDERED, by and  
with the consent of all parties, as follows:

1. The purpose of this Order is to shield from discovery the collaborative process involved in preparing the written report and testimony of a witness who is retained or specially employed to provide expert testimony in this case, including communication among experts who are not employees of a party, their staffs and counsel;
2. No preliminary or draft report of such retained or specially employed expert witness shall be subject to discovery. Except to the extent that such a communication conveys factual information upon which such witness actually relied in forming his or her opinions, no communication between or among any such witness, and/or any other expert, and/or the staff, agents or employees of such witness or of any other expert, and/or counsel for any party, shall be subject to discovery;

3. Discovery with respect to an expert witness who is a present or former employee of a party shall not be subject to the foregoing limitations; and
4. Except as provided herein, discovery with respect to expert witnesses shall be governed by the Federal Rules of Civil Procedure.

This the 30th day of December, 2005



DENNIS L. HOWELL  
DENNIS L. HOWELL  
MAGISTRATE JUDGE